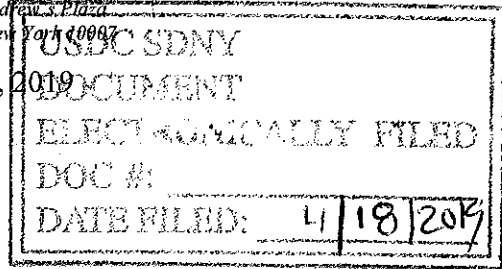


U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew Place
New York, New York 10007

April 17, 2019



BY E-MAIL

Honorable Denise Cote
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Brent Merchant, a/k/a "Jones," et al.*, 19 Cr. 275 (DLC)

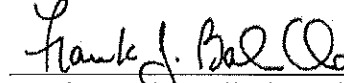
Dear Judge Cote,

Earlier today, a grand jury returned an indictment charging Brent Merchant, a/k/a "Jones," and Zaquan McCutcheon, a/k/a "Zay," with conspiring to distribute 280 grams and more of crack cocaine and a quantity of marijuana, in violation of Title 21, United States Code, Section 846, and with using, carrying, possessing, brandishing, and discharging firearms in connection with that conspiracy, in violation of Title 18, United States Code, Section 924(c). The Government understands that counsel for McCutcheon, Edward Sapone, Esq., is unavailable to appear for an arraignment on or before Tuesday, April 23, 2019. In addition, the Government has conferred with Your Honor's Chambers and understands that arraignment is scheduled for Wednesday, April 24, 2019 at 2:00 p.m.

The Government respectfully requests that, in the interests of justice, time be excluded under the Speedy Trial Act between April 18, 2019 and April 24, 2019 to allow for both defense attorneys in this case to appear at arraignment. *See* 18 U.S.C. § 3161(h)(7)(A). The undersigned notified Mr. Sapone, as well as counsel for Merchant, Daniel Parker, Esq., of the scheduled arraignment and of the Government's intention to seek an exclusion of time. Both have conveyed their consent to such an exclusion.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney
Southern District of New York


Frank J. Balsamello / Matthew Hellman
Assistant United States Attorneys
(212) 637-2325 / -2278

cc: Daniel Parker, *counsel for defendant Brent Merchant* (via e-mail)
Edward Sapone, *counsel for defendant Zaquan McCutcheon* (via e-mail)